

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

**COPY**

DATA RESEARCH CORP (LRC), -

ET. AL., -

CIVIL NO. 02-1253 (JAG)

PLAINTIFFS -

VS. -

CESAR A. REY HERNANDEZ, -

RE: DECLARATORY JUDGEMENT

ET. AL., -

INJUNCTIVE RELIEF AND

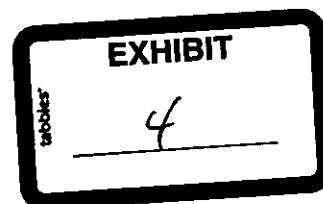
DEFENDANTS -

DAMAGES

Deposition of:

ANIBAL CRUZ PEREZ

Taken on Monday, August 18, 2003, at the Law Offices of John  
F. Nevares & Associates, located at 1225 Ponce de León  
Avenue, VIC Building Suite 1504, in Santurce, Puerto Rico.



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8 Notary Public : John F. Nevares, Esq.

9 Court Reporter : Casey Hayes

10 Court Interpreter: Carlos Mangual

1 MR. CAMILO SALAS: For the record, my name is  
2 Camilo Salas. I am one of the Attorneys for the Plaintiffs  
3 in this matter and we are here for the taking of the  
4 deposition of Mr. Aníbal Cruz Pérez. Let me let all of the  
5 Attorneys who are present to make their appearances for the  
6 record.

7 MR. JOHN F. NEVARES: Good morning. My name is  
8 John Nevares and I represent Plaintiff Data Research  
9 Corporation and Santos Díaz Díaz.

10 MR. CAMILO SALAS: And who do we have here?

11 MR. JOHN F. NEVARES: To my right is Rafael Lladó,  
12 General Manager for Data Research Corporation.

13 MR. CAMILO SALAS: And he is here attending as a  
14 representative of the Corporation.

15 MS. ILEANN CAÑELLAS: This is Attorney Ileana  
16 Cañellas from Reichard & Escalera, representing the Public  
17 Buildings Authority.

18 MR. A.J. BENNAZAR: For the record, Antonio Juan  
19 Bennazar Zequeira, representing the Department of Education.  
20 With me is the Deponent, Mr. Aníbal Cruz Pérez.

21 MR. CAMILO SALAS: First of all, let me attach to  
22 the record a copy of the Notice of Deposition that was issued  
23 in this case for the deposition of Mr. Aníbal Cruz and I am  
24 going to mark that as Exhibit Number 1.

25 (AT THIS MOMENT DEPOSITION EXHIBIT 1 IS MARKED)

1 MR. CAMILO SALAS: Also as part of the record, a  
2 copy of the Subpoena issued and served on Mr. Aníbal Cruz  
3 Pérez requiring his appearance here today which we will  
4 attach and mark as Exhibit Number 2.

5 (AT THIS MOMENT DEPOSITION EXHIBIT 2 IS MARKED)

6 MR. CAMILO SALAS: Let us swear the Witness in.  
7 (AT THIS TIME THE DEPONENT AND THE COURT REPORTER ARE DULY  
8 SWORN IN BY JOHN F. NEVARES, ESQ.)

9 MR. JOHN F. NEVARES: Why don't we get into the  
10 stipulations and go ahead with the deposition because we are  
11 missing one Attorney?

12 MR. CAMILO SALAS: Well, the deposition was noticed  
13 for 9:00 and it's right now 9:33. We are going to proceed  
14 with those who are present here today.  
15 Whereupon,

16 **ANIBAL CRUZ PEREZ**

17 After having been duly sworn in, testified as follows:

18 **DIRECT EXAMINATION**

19 BY MR. CAMILO SALAS:

20 Q First of all Sir, could you please state your name  
21 and your address for the record?

22 A Yes. My name is Aníbal Cruz Pérez and I live in  
23 San Juan at "Urbanización Baldrich, Calle La Reina de la  
24 258."

25 Q Mr. Cruz Pérez, you do speak English, don't you?

1 A As my second language, yes I do.

2 Q Have you ever been in a deposition before?

3 A No, never.

4 Q This is your first time?

5 A Yes.

6 Q First of all, let me tell you that if for any  
7 reason you do not understand any of the things that we  
8 discuss here today either because I didn't make myself clear  
9 or because you may not understand the English language or for  
10 any other reason, just let me know and we will have the  
11 matter translated to you or I will rephrase the question to  
12 explain it so that you understand what we are trying to find  
13 out here.

14 A Yes, I will. In case I don't understand all or if  
15 I can't express myself in English in the way I want, I will  
16 do it in Spanish and just to make sure that you understand  
17 what I am trying to say.

18 Q All right. I appreciate that. Now, you will have  
19 the right to read the transcript of the deposition that is  
20 going to be taken here today and if you so elect, you have  
21 the right to review the transcript and make corrections to it  
22 if you think that there is a mistake. Of course, you may  
23 waive that right if that is what you wish to do. You can  
24 tell me now or at the conclusion of the deposition if you  
25 want to exercise the right to review the transcript before it

1 becomes official.

2 A Yes. I would like to see if whatever is there is  
3 what I meant.

4 Q All right. So we will make arrangements for the  
5 Court Reporter to send you the transcript of the deposition,  
6 give you an opportunity and make changes if you think that is  
7 necessary.

8 A I will appreciate that. Thank you.

9 Q Let me also tell you that if at any time during  
10 this deposition you wish to stop for any reason, either to go  
11 to the bathroom or because you get tired, hungry or if you  
12 wish to confer with your Counsel just let me know and we  
13 make those arrangements.

14 A Thank you.

15 Q Do you have any questions at this time before we  
16 proceed?

17 A Not at this time.

18 Q All right. Now, will you please tell me by whom  
19 are you employed?

20 A Right now?

21 Q Yes.

22 A Right now I am retired.

23 Q And?

24 A And I am opening my office as a consultant.

25 Q When did you retire?

1 A Effective January 15 of this year.

2 Q And you retired from where?

3 A From the Department of Education.

4 Q And you are setting up an office as a consultant?

5 A Yes I am.

6 Q What type of consulting?

7 A Technology and education.

8 Q And you foresee that you will be a consultant to  
9 the Department of Education?

10 A Not at this time. I have to wait for a certain  
11 time that the "Oficina de Etica" says that I have to wait.  
12 After that, I don't see it because when I retired, I was  
13 planning to retire. That means to have plenty of time to  
14 stay with my grandchildren, to write the books I want to  
15 write, to paint and make music again. So, whatever I do has  
16 to fit into that. If I can't do that, I won't consider it.  
17 If I can't do that, that is out of the game.

18 Q I wish you good luck and hope you get a good chance  
19 to spend with your grandchildren and play a lot of music and  
20 all of those things that you want to do. How long did you  
21 work for the Department of Education?

22 A I worked twice. In 2 different occasions for the  
23 Department of Education. As a teacher, I was there for  
24 around 25 years and at the Chair of OSIATD for a year and a  
25 half or so.



1 Q Chair or what?

2 A OSIATD. "Oficina de Sistemas de Información y  
3 Apoyo Tecnológico a la Docencia".

4 Q Let me start like at the beginning. What kind of  
5 training did you receive, Mr. Cruz?

6 A All my former education?

7 Q Yes. You went to High School and then---

8 A I went to High School, then I went to Colegio de  
9 Mayaguez. I graduated from there from a BBA and after that I  
10 made additional Concentrations in Biology Education and a  
11 Minor Concentration in Chemistry.

12 After that, I had my Master's Degree from New York  
13 University in Science Education with a Major in Technology.  
14 Other than that, I was certified in Crystal Reports from  
15 Seagate.

16 Q As what?

17 A Crystal Reports. That is an application for  
18 business intelligence from Seagate Corporation in Vancouver,  
19 Canada and also the training that goes along with the  
20 technology.

21 Q Throughout the years?

22 A Yes, throughout the years.

23 Q When did you finish with your BBA in the Colegio de  
24 Mayaguez?

25 A Around 1972.

1 Q And after you finished there, did you go on to get  
2 your Master's Degree?

3 A No. After that I went for my additional  
4 concentrations. First in Biology and also a Concentration in  
5 Education. Biology was conducted at the Interamerican  
6 University and Education was between Interamerican  
7 University, Colegio de Mayaguez (UPR of Mayaguez) and other  
8 courses in several given different universities in Puerto  
9 Rico.

10 Q When did you finish all that training? About what  
11 year?

12 A I think that was about---

13 MR. JOHN F. NEVARES: Excuse me. Could we go off  
14 the record for a second?

15 MR. CAMILO SALAS: Sure.

16 MR. JOHN F. NEVARES: The Court Interpreter has  
17 just arrived. Maybe he can take a seat in case there are  
18 some questions that Mr. Cruz would like to answer in Spanish.

19 (OFF THE RECORD)

20 After the recess,

21 BY MR. CAMILO SALAS:

22 Q Okay. What I had asked you was about what year did  
23 you finish that training?

24 A You know, teachers had to be trained at all times  
25 but I think that part of the concerns of biology major was

1 somewhere around 1975, '76 and Education coached that.

2 Q So during the time you were already working as a  
3 teacher?

4 A Uh-huh.

5 Q What year did you start working as a teacher?

6 A Excuse me?

7 Q What year did you start working as a teacher?

8 A In 1972.

9 Q After you finished your---

10 A Yes, my first degree at Mayaguez.

11 Q All right, I understand that. What kind of  
12 teaching were you doing?

13 A At that time I was teaching Biology and  
14 Introduction to Physics at the High School in Las Marías.

15 Q Now, what year did you go to NYU to get your  
16 Master's Degree there?

17 A I think it started 1980 or '81.

18 Q And did you take a leave of absence from your  
19 teaching duties to do that or did you quit your job?

20 A No. It was a program for teachers that included  
21 that you had to take classes every Saturday at the campus  
22 over here of the universities and summers in New York City  
23 and that was how I made it.

24 Q How long did that take?

25 A I think it was 2 years. I finish that I think, it

1 was in 1983. That makes 2 years.

2 Q And you said that your Master's Degree was in  
3 Science Education and Technology?

4 A And Technology.

5 Q At that time you were still working as a teacher?

6 A Yes.

7 Q What kind of teaching were you doing at that time?

8 A At that time I was teaching Chemistry and Physics.

9 Q In a High School?

10 A In a High School.

11 Q In which town?

12 A Excuse me?

13 Q In which town?

14 A Las Marías.

15 Q Then you said that you got certified as a, what is  
16 it? A Crystal Reports.

17 Q From Seagate Corporation?

18 A Yes. That was one of the certifications. I think  
19 that was almost the very last. At that time I was in the  
20 technology business for I don't know how much time. I was at  
21 that time already an MIS Consultant in technology in the  
22 industry and I moved to San Juan. I went for that  
23 certification in Crystal Reports I think that was in 1999 or  
24 2000.

25 Q So there was a time when you were doing both,

1 teaching and consulting?

2 A And consulting.

3 Q In technology. What year did you start consulting  
4 and technology?

5 A It was around 1980. Yes, like 1980.

6 Q In broad terms, what kind of consulting did that  
7 involved?

8 A First I started to work in technology and education  
9 since I was a teacher and I was well involved in technology  
10 and I was doing my Master's Degree in that area. I started  
11 in that field doing some grants for teaching in technology.

12 Q You were writing grants?

13 A Writing grants.

14 Q And who were you writing grants for?

15 A For the Department of Education.

16 Q You were getting paid extra for that?

17 A Mostly for the equipments and some summer sessions.  
18 I think I had one of those plans approved and I think that  
19 there was another one that was approved or that something  
20 happened after it was approved and we didn't get the money so  
21 we made it anyway without the money.

22 We did with whatever we had at that time. We  
23 picked some equipment and we gave the classes in the  
24 afternoons but we didn't get paid for that. We started that  
25 way. After that, I moved into industries, specially in the

1 manufacturing.

2 Q First of all, you were writing grants for the  
3 Department of Education and you would get paid for the time  
4 you spent writing the grants or you would get benefit from  
5 the grant itself?

6 A No. By that time it was just to buy 1 or 2 PCs and  
7 we got those PCs to teach in the classrooms.

8 Q So you were writing grants trying to get PCs?

9 A Equipment.

10 Q Equipment to teach.

11 A And use it in the classrooms.

12 Q Then at some point you started doing consulting for  
13 industries?

14 A My first degree was in Business Administration so I  
15 had a strong background in budget and management of these  
16 type of industries. So I thought that it was a good way to  
17 use that knowledge I had in my first Bachelor's Degree and  
18 then I started doing that by giving private courses for  
19 people who wanted to manage applications and reuse it into  
20 production and whatever they want to do in small groups.

21 Q You were teaching that at the various business  
22 locations, at your home or at an office?

23 A Mostly, I was doing it at home. The teachers don't  
24 get paid that much so whatever you can do giving a course to  
25 somebody, works.

1 Q What year did you start doing that?

2 A I think that was around the 1980's. Early in the  
3 1980's .

4 Q And you continued to teach?

5 A Yes.

6 Q How long did you do that business consulting with  
7 private industries?

8 A All the way until 2001 that I was asked to be part  
9 of the Department of Education again as the Director of  
10 OSIATD.

11 Q What year did you stop teaching?

12 A Teaching? It was in 1997 or '98. Something like  
13 that. I think it was '98.

14 Q '98?

15 A Yes, I think so.

16 Q At that time, did you retire from the Department of  
17 Education?

18 A Yes.

19 Q You went on full retirement, getting your full  
20 benefits and all that?

21 A I remember I received the first retirement and I  
22 had to turn it back because I had to work so much that by the  
23 time it arrived, I was at the position of the Department of  
24 Education. So I had to return that check.

25 Q Now, when did you start working as the Director of

1 the "Oficina de Sistemas de Información"?

2 A It was in June, 2000 I think.

3 Q And who hired you?

4 A I was asked by the Special Aid to the Secretary,  
5 José Santana. I was interviewed by some people from the  
6 Department of Education including José Santana and Arnaldo  
7 Ramos and it was 1 or 2 months before June and then somewhere  
8 around May I was told that I might be assigned to the  
9 position and then I was requested to report for the position  
10 on the first week of June.

11 Q José Santana was the Assistant to the Secretary?

12 A Yes.

13 Q The Secretary being César Rey Hernández?

14 A César Rey Hernández.

15 Q Did you contact Mr. Santana or did he contact you?

16 A No, he contacted me.

17 Q You knew him from before?

18 A Yes, I knew him from before.

19 Q How did you first meet him or know from him?

20 A I was giving some consulting in budget management  
21 to one of the proposals that were running at that time and  
22 that was a proposal for budget management for School  
23 Principles and I was part of the cabinet for that proposal.

24 Q Where was that?

25 A That was in the year 2000.



1 Q That was under the prior Administration?

2 A Yes.

3 Q By that time you were already retired from  
4 school---

5 A Yes.

6 Q But how did---

7 A I was retired. I quit teaching but I wasn't  
8 receiving any retirement benefit because I didn't have the  
9 age even though I had the time. So I had to wait until I was  
10 52 and the time I was 52 was suppose to be the year 2001 so  
11 that is why when I received the first check, I was back in  
12 business so I had to turn it back.

13 I wrote them a letter and I brought the check and  
14 the letter to "Junta de Retiro". I told them that at that  
15 time I was working and I can't accept it.

16 Q So you basically stopped teaching in '97 or '98 and  
17 you could not accept benefits because you had to wait until  
18 you were 52 years old.

19 A And I worked as a consultant. At that time I was  
20 working as a consultant for customers, mostly in San Juan.

21 Q When you stopped teaching you were about 48 or 49  
22 years old.

23 A Yes, it should be something like that. I was born  
24 in 49, so that should be something like 49 years or 48.

25 Q How old you are you now?

1 A I am 53.

2 Q Which political party do you belong to?

3 A I am some sort of a "realengo".

4 Q What is it?

5 A I don't vote as an integral ballot. I just see  
6 what is going on and then I decide for the people I am going  
7 to vote, not for the panels I am going to vote.

8 Q Yes, but my question was which party were you  
9 registered with?

10 A The last one I was? "Partido Independentista."

11 Q Are you currently?

12 A No.

13 Q You are not registered right now?

14 A I vote, yes. But I am not registered as being part  
15 of any party.

16 MR. A.J. BENNAZAR: Brother Counsel may not be  
17 aware that in Puerto Rico there is no such thing as  
18 registering with parties.

19 MR. CAMILO SALAS: Okay.

20 MR. A.J. BENNAZAR: You are registered as a voter  
21 but not like in the States where you register as a democrat  
22 or register as a republican. There is no such thing in the  
23 electoral law in Puerto Rico. So you can't really register  
24 as anything. You can say "this is the party of my  
25 preference" or "this is the party I voted for in the last

1 elections" but you are not a registered voter of a particular  
2 political party in Puerto Rico.

3 MR. CAMILO SALAS: All right.

4 DEPONENT: Thank you.

5 BY MR. CAMILO SALAS:

6 Q Are you associated with any particular party?

7 A This time? No.

8 Q Have you been associated with any political parties  
9 on the past?

10 A Before that? Yes, "Partido Independentista".

11 Q How were you associated with the "Partido"

12 A What was the first part of the question?

13 Q What did your association with that party consist  
14 of?

15 A I was part of the Municipal Assemblyman in Las  
16 Mariás and like a militant, doing work for raising funds in  
17 the streets for the "Partido Independentista" and also early  
18 in the 1970's I was part of the "Partido Popular Democrático"  
19 also as a Municipal Assemblyman.

20 MR. A.J. BENNAZAR: Just for the clarity of the  
21 record, you were an Assemblyman or a candidate for the  
22 Assembly?

23 DEPONENT: I actually was an Assemblyman.

24 MR. A.J. BENNAZAR: All right.

25 DEPONENT: For both of them.

1 MR. A.J. BENNAZAR: First the "Independentista" and  
2 then a Popular?

3 DEPONENT: First the Popular and some 20 years  
4 later Independentista.

5 BY MR. CAMILO SALAS:

6 Q What I was trying to find out earlier was what was  
7 your association with the Department of Education between  
8 1998 and 2001 before you became---

9 A Other than being part of the proposal as part of  
10 the cabinet for project management, none.

11 Q Explain to me what was that project?

12 A That was a project that was developed in terms of  
13 trying to teach or make the School Principals know how to  
14 manage projects so they can be more efficient and get the  
15 most of the grants that they were gathering and I think it  
16 was SAJA Projects or something like that.

17 That was a supplier for the Department of Education  
18 that had the proposal and SAJA hired a corporation... The  
19 people that were in front of the corporation was Dr. Sara  
20 Santiago and José Sánchez. They asked me if I wanted to be  
21 part of the people that were going to be designing and be  
22 part of the trainers for that proposal.

23 I talked with them about what they meant and what  
24 they were willing to do and I thought it was a good thing for  
25 the country. It was a good project so I was hired and I made

1 a contract with them to be part of the people. I think there  
2 were like 12 or 15 people that worked from that project in  
3 that specific goal.

4 Q And what was your role?

5 A I was a trainer. They call it facilitator because  
6 actually you facilitate the trainers so the learning can be  
7 produced.

8 Q And who was your contract with?

9 A Trents.

10 Q And how long was that contract for?

11 A For 4 training. Four groups of School Principles.

12 Q And how long did that last?

13 A We started working in the concept of how we were  
14 going to do the training somewhere in May or April of that  
15 year and I think that the last of the workshops was conducted  
16 close to the end of the year.

17 Q And that would have been what? '98, '99, 2000?

18 A I am not sure if it was 2000. I think it was 2000  
19 because I remember we try to avoid any kind of political  
20 comments because it was very close to the elections so it  
21 should be somewhere, I think my best recollection is it was  
22 in 2000.

23 Q And is that when you met José Santana?

24 A Yes. He was a part of the cabinet.

25 Q He was also a facilitator?

1 A Yes, he was also the same thing.

2 Q And you got paid a set amount for the work that you  
3 did and so did José Santana?

4 A Yes.

5 Q So you would have been working for about April or  
6 May through the end of the year of 2000, right? Now, you  
7 started working on June of 2001 as the Director of the  
8 "Oficina de Sistemas."

9 A "De Información."

10 Q "De Información." About when did Mr. Santana first  
11 contact you about that position?

12 A That position?

13 Q Yes. Was it while you were still working as a  
14 facilitator in the other job or was it after January?

15 A It was after.

16 Q After the elections?

17 A It was after. As a matter of fact, at that time I  
18 was planning to move into Spain because I remember that was  
19 one of the concerns I talked to him. At that time me and my  
20 wife were planning to move to Spain in October of that year,  
21 so I had to think it twice before even going to the  
22 interview.

23 Q October of 2001 it was when you were planning to  
24 move to Spain?

25 A Yes, and I think it might be close to the end of

1 February or March or something like that.

2 Q Did Mr. Santana approach you about the job?

3 A We were talking about all things and he asked me if  
4 I was able to consider being interviewed for a position at  
5 the Department of Education. I said "well, it all depends.  
6 I retired from the Department of Education and I am not  
7 planning to go back to the Department of Education, so tell  
8 me what it is and I will consider it."

9 Q So, I guess whatever he told you motivated you into  
10 going to further interviews.

11 A Not at that moment. When I quit the Department of  
12 Education I was serious on that. At that time I think I had  
13 done enough for the education of people in Puerto Rico and I  
14 should do something about what I wanted to be doing. The  
15 next step.

16 At that time I had been a consultant in technology  
17 for mostly manufacturing industries and e-commerce and we  
18 were doing a lot of things in technology and I think that at  
19 that time that I was going into that way of doing technology  
20 and education mostly with businesses with business in  
21 telephones and not back to education. So I thought and  
22 thought and I said "well okay, since it is not going to be a  
23 long term." The most I was planning to be was in the worst  
24 of the cases, 4 years for the end of 4 years of the time for  
25 the Department of Education Secretary César Rey. So in the

1 worst of the cases I am just going to be there 4 years, and I  
2 tried.

3 Q The work that you were doing as a consultant at  
4 that time, was that just you yourself or did you have a  
5 company and people working for you?

6 A No. I was having a family corporation and we use  
7 to make business. It was me and my wife.

8 Q What was it that prompted you to go ahead and  
9 seriously consider the job with the Department of Education?

10 A Well, that's the part of your life when you  
11 discover that you think that you are best fitted when you  
12 already finish and that was clear in my head. Maybe I have  
13 still something to do, still something to say about  
14 technology and education.

15 I thought maybe I should go back, see what I can do  
16 about that. In that position I will have some influence to  
17 try to bring ideas that other way I won't be able to even  
18 bring to the table. So I am going to be close enough to the  
19 staff of the Secretary and I have to take ideas that might be  
20 taken into consideration and since it is not going to be life  
21 term compromise of "you are not going to be here for the rest  
22 of your life", I said it's okay and I took the job.

23 MR. A.J. BENNAZAR: May I suggest that when you say  
24 "compromise" you mean "compromiso"?

25 DEPONENT: Commitment.



1 MR. A.J. BENNAZAR: It's not a life time  
2 commitment?

3 DEPONENT: Yes.

4 BY MR. CAMILO SALAS:

5 Q Did that position already exist in the government?

6 A Yes, I think so.

7 Q Do you know who held that position before you took  
8 it over?

9 A As far as I know and even though I neither met this  
10 person. The information I had was that someone with the name  
11 of Kivio Peguero was either in the position or doing the task  
12 of such a position, because I don't know if the said name of  
13 that position existed.

14 Q The same type?

15 A Yes. I know that there was an office that was in  
16 charge of systems because the projects that I inherited were  
17 done or managed by someone. But if in terms of the technical  
18 name of the position or the job description, I didn't know  
19 because I didn't met Kivio. I can't even identify him within  
20 a group of people. I don't know who is the guy, just for the  
21 name.

22 Q Before you took the job, were you familiar with the  
23 workings of that office whatever the name was before you took  
24 it over? Were you familiar with what that office did?

25 A With that specific office? No.